



# WATER-RIGHT DOCKET

## Olympic National Park

Docket No: 15


*ELK CREEK*

State Water Rights Documentation

00-00-0000: certification that application for a permit, permit, certificate and section plot

THIS IS TO CERTIFY That the application for a  
permit, permit, certificate and section plat  
showing the point of diversion for Lester L.  
Dickinson are all true and correct copies.

WITNES the signature of the State Supervisor  
of Hydraulics at Olympia, Washington.

  
RODNEY RYKER  
State Supervisor of Hydraulics

S. F. No. 369-3-43-SC. 3445.

CERTIFICATE RECORD No. 4, PAGE No. 1629STATE OF WASHINGTON, COUNTY OF Mason**CERTIFICATE OF WATER RIGHT**

(In accordance with the provisions of Chapter 117, Laws of Washington for 1917, and the rules and regulations of the State Supervisor of Hydraulics thereunder.)

This is to certify, that Lester L. Dickinson  
of Hoodsport, State of Washington, has made  
proof to the satisfaction of the State Supervisor of Hydraulics of Washington, of a right to the use of  
the waters of Elk Creek, a tributary of North Fork of Okanogan River  
for the purposes of power and domestic supply  
under Appropriation Permit No. 2574 issued by the State Supervisor of Hydraulics, and  
that said right to the use of said waters has been perfected in accordance with the laws of Washington,  
and is hereby confirmed by the State Supervisor of Hydraulics of Washington and entered of record in  
Volume 4, at Page 1629, on the 28th day of June, 1941; that  
the right hereby confirmed dates from February 16, 1931; that the amount of water to  
which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount  
actually beneficially used for said purposes, and shall not exceed four (4.0) cubic feet per  
second. (3.9 c.f.s. for power and 0.1 c.f.s. for domestic supply.)

A description of the lands under such right to which the water hereby confirmed is appurtenant,  
and the place where such water is put to beneficial use, is as follows:

PLACE OF USE			LEGAL SUBDIVISION	FOR IRRIGATION	
Section	Township	Range		No. Acres Described in Permit	No. Acres Actually Irrigated

LOCATION OF POWER PLANT			LEGAL SUBDIVISION	FOR POWER	
Section	Township	Range		H. P. Described in Permit	H. P. Actually Developed
Approx. 4	23 N.	5 W.W.M.	Approximate S.E. 1/4 of N.W. 1/4 (unsurveyed)	15 (Theo.)	2

Section	Township	Range	LEGAL SUBDIVISION	FOR OTHER USES
Approx. 4	23 N.	5 W.W.M.	Approximate S.E. 1/4 of N.W. 1/4 (unsurveyed)	Domestic supply

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, except as provided in Section 39, Chapter 117, Session Laws 1917.

WITNESS the seal and signature of the State Supervisor of Hydraulics affixed this 28th day of June, 1941.

Engineering Data  
O.K., /s/ JFR..

/s/ CHAS. J. BARTHOLET

State Supervisor of Hydraulics.

Permit No. 2574

## Certificate of Water Right

Recorded in the office of State Supervisor  
of Hydraulics, Olympia, Washington, in  
Book No. 4 of Water Right  
Certificates, on Page 1629, on  
the 28th day of June,  
19 41

STATE OF WASHINGTON, }  
County of Mason } ss.

I certify that the within was received  
and duly recorded by me in Volume  
of Book of Water Right Certificates, Page  
on the day of  
, 19

STATE PRINTING PLANT

Form 10

STATE OF WASHINGTON  
DEPARTMENT OF CONSERVATION AND DEVELOPMENT  
Division of Hydraulics

**APPLICATION FOR A PERMIT  
To Appropriate Public Waters of the State of Washington**

Application No. 3301 Permit No. 2574  
 ASSIGNED to Lester L. Dickinson January 29, 1932.  
 I, Lester L. Dickinson and Robert Daugerty,  
(Name of applicant)  
 of Hoodsport, County of Lason,  
(Postoffice)  
 State of Washington, do hereby make application for a permit to appropriate  
 the following described public waters of the State of Washington subject to existing rights:  
 If the applicant is a corporation, give date and place of incorporation \_\_\_\_\_

1. The source of the proposed appropriation is Elk Creek  
(Name of stream)  
 tributary of North Fork Skokomish

2. The amount of water which the applicant intends to apply to beneficial use is four  
 cubic feet per second. 0.10 c.f.s. domestic

3. The use to which the water is to be applied is power and domestic 3.90 c.f.s. power  
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. Time during which water will be required each year entire year

5. The approximate point of diversion is located about 1300' northwesterly from  
(Give distance and bearing to section corner)  
rock known as Staircase Rock on Skokomish River (North Fork)  
(unsurveyed)  
 being within the approximate SE 1/4 of Sec. 4, Tp. 23 N., R. 5 W. M.,  
(Give smallest legal subdivision) (No. E. or W.)  
Olympic National Forest  
 in the county of LASON.

6. The pipe to be 500 ft. or miles in length, terminating  
(Main ditch, canal, or pipe line) (unsurveyed)  
 in the approximate SE 1/4 of Sec. 4, Tp. 23 N., R. 5 W. M.,  
(Smallest legal subdivision) (No. E. or W.)  
 the proposed location being shown on the accompanying map.

7. The name of the ditch, canal or other works is \_\_\_\_\_

8. Estimated cost of development necessary to utilize fully the appropriation herein asked for  
 \$ 600.00

9. Does the stream from which you wish to appropriate water flow through the tract of land on  
 which the water is to be used? \_\_\_\_\_

10. Do you own the required right-of-way for the proposed works? \_\_\_\_\_

DESCRIPTION OF WORKS.

DIVERSION WORKS—

11. (a) Height of diversion dam \_\_\_\_\_ feet; length on top \_\_\_\_\_ feet;  
 length at bottom \_\_\_\_\_ feet; material to be used and character of construction \_\_\_\_\_

(Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate \_\_\_\_\_

(Timber, concrete, etc.; number and size of openings)

When storage works are contemplated a storage permit must be filed in addition to the above. These forms can be secured, together with instructions, by addressing the State Supervisor of Hydraulics, Olympia, Washington.

## CANAL SYSTEM—

12. (a) Give approximate dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: Width on top (at water line).....feet;  
width on bottom.....feet; depth of water.....feet;  
grade.....feet fall per one thousand feet.

(b) At.....miles from headgate: Width on top (at water line).....feet;  
width on bottom.....feet; depth of water.....feet;  
grade.....feet fall per one thousand feet.

## SUPPLY THE FOLLOWING INFORMATION ACCORDING TO USE PROPOSED:

## IRRIGATION—

13. The land to be irrigated has a total area of.....acres,  
described as follows:.....  
(Give legal subdivision by section, township and range)

(If more space is required, attach separate sheet)

14. Give the legal description of land when water is to be used for purposes other than irrigation,  
power and municipal supply.....Sec....., Tp.....N., Rge.....W. M.  
(Legal subdivisions) (E. or W.)

(a) To what stream is water returned.....

(b) Locate the point of return.....Tp.....N., Rge.....W. M.  
(Smallest legal subdivision of section) (E. or W.)

## POWER—

15. (a) Total amount of power to be developed.....15.0 theoretical H.P.  
(Theoretical horsepower) H. P.

(b) Total fall to be utilized.....35.....feet.  
(Head)

(c) The nature of the works by means of which the power is to be developed.....

(d) Such works to be located in.....approximate Sec....., of Sec.....4.....  
(Legal subdivision)  
Tp.....23.....N., Rge.....5.....W. M.  
(No. E. or W.)

(e) To what stream is the water to be returned.....Elk Creek.....

(f) Locate point of return.....approximate Sec....., of Sec.....4.....  
Tp.....23.....N., Rge.....5.....W. M.  
(No. E. or W.)

(g) The use to which power is to be applied is.....lightin resort.....

MUNICIPAL SUPPLY—

16. To supply the city of \_\_\_\_\_,  
(Name)  
\_\_\_\_\_ County, having a present population of \_\_\_\_\_  
and an estimated population of \_\_\_\_\_ in 19\_\_\_\_.  
(a) Estimated present requirement \_\_\_\_\_  
(b) Estimated future requirement \_\_\_\_\_

17. Construction work will begin on or before \_\_\_\_\_

18. Construction work will be completed on or before \_\_\_\_\_

Duplicate maps of the proposed ditch or other works, prepared in accordance with the rules of the  
State Supervisor of Hydraulics accompany this application.

/s/ LESTER L. DICKINSON & ROBERT DOHERTY  
(Name of applicant)

BY LESTER L. DICKINSON \_\_\_\_\_

Signed in the presence of us as witnesses:

(1) /s/ J. E. R. APPEBY \_\_\_\_\_, Olympia, Washington  
(Name) (Address of witness)

(2) \_\_\_\_\_  
(Name) (Address of witness)

Remarks: \_\_\_\_\_

STATE OF WASHINGTON, }  
COUNTY OF THURSTON. } ss.

This is to certify that I have examined the foregoing application together with the accompanying  
maps and data, and return the same for correction or completion, as follows: \_\_\_\_\_

In order to retain its priority, this application must be returned to the State Supervisor of Hydraulics,  
with corrections, on or before \_\_\_\_\_, 19\_\_\_\_.

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
State Supervisor of Hydraulics.

This is to certify that I have examined the foregoing application and do hereby grant the same, subject to the following limitations and conditions. If for irrigation, this appropriation shall be subject to such reasonable rotation system as may be ordered by the State Supervisor of Hydraulics.

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and not to exceed 4.0 cubic feet per second, or its equivalent in case of rotation. The priority date of this permit is February 10, 1931.

Actual construction work shall begin on or before October 1, 1939 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1940, extended to 10-1-41.

Complete application of the water to the proposed use shall be made on or before October 1, 1941.

Given under my hand and the seal of this office at Olympia, Washington, this 1st day of AUGUST, 19 38.

Conditions ~~Accepted~~

/s/ CHAS. J. BARTHOLET  
State Supervisor of Hydraulics.

Application No. 3301

Permit No. 2574

## PERMIT

### To Appropriate Public Waters of the State of Washington

Issued to Lester L. Dickinson County of Mason

This instrument was first received in the office of the State Supervisor of Hydraulics, Olympia, Washington, on the 16th day of February, 19 31, at 2:15 o'clock P. M.  
Approved August 1, 1938

CHAS. J. BARTHOLET  
State Supervisor of Hydraulics.

Before your certificate of water right is issued it will be necessary for you to file with the State Supervisor of Hydraulics a copy of each of the following reports:

- 1st. Progress reports (in case temporary permit is issued).
- 2nd. Affidavit of publication of notice of water right application.
- 3rd. Notice of beginning of construction.
- 4th. Notice of prosecution of work with diligence.
- 5th. Notice of completion of construction.
- 6th. Notice of application of water to a beneficial use.
- 7th. Proof of appropriation of water.

Upon a satisfactory showing that the appropriation has been perfected as provided by statute the State Supervisor of Hydraulics will issue a water right certificate.

(Blanks will be furnished by the office of State Supervisor of Hydraulics.)

4

## Administrative Agreements

10-116  
UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
(April 1944)

No. I-47np-137**BUSINESS CONCESSION PERMIT**Olympic National Park

(Area)

Paul L. Danford and Eleanor Danford of Hoodsport, Washington  
(Name of permittee) (Address of permittee)  
is hereby authorized during the term, from January 1, 19 47, to December 31, 19 47,  
and  
to carry on, in the above-named area, the business of operating a cabin camp, lunch counter, sale  
of supplies, diverting water under rights provided by the United States, and to  
maintain telephone connections to National Park Service lines.

to maintain and operate or use in connection therewith the Staircase resort buildings  
(Give description of buildings or other structures)  
and statement of equipment to be used)

and to occupy 5 acres of land in said area, described as follows: Area on the west bank  
of the Skokomish River as set forth in Master Plan Drawing OLY 2101, Sheet 33, dated  
January 2, 1942.

subject to the conditions on the reverse hereof and to the payment to the Government of the United States  
of Fifty dollars (\$50.00) in advance, ~~or as~~  
~~follows~~ annually  
payment to be made through the superintendent by express or postal money order, certified check, or draft  
payable to the Director.

Signed at Port Angeles, Washington, this 3rd day of March, 19 47

Preston P. MacyPreston P. Macy Superintendent.

The undersigned hereby accepts the above permit and the right to exercise the privileges granted,  
subject to the terms, covenants, obligations, and reservations expressed or implied, therein.

Two witnesses to signatures:

Preston P. MacyAddress Port Angeles, Wn.Fred J. OverlyAddress Port Angeles, Wn.

Signatures:

Eleanor DanfordAddress Hoodsport, WashingtonPaul L. DanfordAddress Hoodsport, WashingtonAPPROVED: AUG 18 1947HILLORY A. TOLSONActing Director

16-40312-

# **SPECIAL CONDITIONS OF THIS PERMIT**

1. It is expressly understood and agreed that this permit may be revoked or amended at any time in the discretion of the Director, and that no right of renewal or transfer is granted herein.
2. Permittee shall conduct his business under the supervision of the superintendent and subject to control, in all particulars, by the Director, and will strictly observe the acts of Congress relating to the area and the rules and regulations for its government now in force or hereafter promulgated by competent authority. Willful violation of, or failure to comply with, the terms hereof or the provisions of any such acts or rules and regulations or any proper order of the superintendent of the area shall be cause for revocation of the permit by the Director, who shall be the judge of what constitutes such violation, but the superintendent may suspend the permit pending action by said Director in the premises.
3. Use of the land covered hereby is subject to the right of the Director to establish trails, roads, and other improvements and betterments thereon and to authorize its use for such other purposes as may be required for the accommodation of the public.
4. No building or other structure shall be erected under this permit except upon plans and specifications first approved by the Director.
5. Permittee will be permitted to graze upon area lands such stock, if any, as may be authorized in connection with this privilege, but only upon such area and under such restrictions as may be prescribed by the superintendent. Animals necessary for supplying meat, milk, or other animal products to the guests of permittee's hotel or camp may also be grazed under like conditions.
6. Permittee will maintain such accounting records as may be prescribed by the Director and will submit to him, on or before December 31, a statement of his financial condition and a report of his operations in the area in such form as may be prescribed by the said Director, and will furnish such other information and reports as may be called for from time to time by said Director, who shall have the right at all times to verify such information or reports from the books, correspondence, memoranda, or other records of permittee.
7. All rates for service rendered under this permit must be first approved by the Director, who shall have the right to adjust such rates at any time.
8. Permittee and his employees shall take all reasonable precautions to prevent forest fires, and also shall assist in the suppression of forest fires in the vicinity of any tract which may be used hereunder, and in the preservation of good order within the metes and bounds of the area.
9. Permittee may be required to make reasonable arrangements for medical and surgical treatment of his employees when necessary.
10. As contemplated by Executive Order No. 9346 of May 27, 1943, the permittee shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin, and shall include a provision similar to this provision in any subcontract made with respect to the privileges herein granted.
11. Neither Members of, nor Delegates to, Congress, or Resident Commissioners, officers, agents, or employees of the Government shall be admitted to any share or part of this permit, or derive, either directly or indirectly, any pecuniary benefit to arise therefrom.
12. Whenever the word "Director" or "Superintendent" is used in this permit, they shall mean the Director of the National Park Service and the official in charge of the area, respectively.
13. It shall be necessary for the permittees to make arrangements with the Pacific Telephone and Telegraph Company, or other parties concerned, for telephone service outside the park. The National Park Service does not guarantee telephone service and may discontinue such service at any time. Free use for other than toll calls shall be allowed National Park Service employees and the telephone shall be available to such employees at all times.
14. The Permittees are authorized, with the approval of the park superintendent first obtained and under his supervision, and when in his discretion it is available without detriment to the park, to quarry sand and stone. Wood obtained for construction or fuel shall be limited to that available from rights of way, building or development site clearings, vista clearings, insect and tree disease control or fire hazard reduction operations subject to the needs of the National Park Service which shall have prior claim on such available wood. Any additional timber needed by the Permittees either for construction or fuel shall be obtained outside the park. Where supervision for the utilization of such park resources is necessary, a charge to cover the cost of such supervision may be made.
15. There are reserved to the United States any uranium, thorium or other materials which are or may be determined to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, together with the right through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same.

No. I-47np-137 Continued.

16. The permittees will use water under the rights to be provided by the United States and when condition No. 4 is applied to water systems, such plans and specifications must include such data as may be required by the Director for amendment of water rights.

17. The permittees recognize that, under the provisions of Section 39 of the Water Code of the State of Washington (Section 7391, Remington's Revised Statutes of Washington), the water right evidenced by Certificate of Water Right No. 1629 issued by the State of Washington to Lester L. Dickinson on June 28, 1941, is appurtenant to the Federal premises covered by this permit and waive all claim of any right, title or interest in and to the said water right.

Other Supporting Information



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
WASHINGTON 25, D.C.

RECEIVED	
NPS REGION FOUR OFFICE	
APR 7 '61	
SURNAME DAY	
REG. DIR.	
ASST. R.D.	
OPERATIONS	
ADMIN.	
RECREATION	
INTERP.	
MANAGER	

IN REPLY REFER TO:

April 5, 1961

L54-OBL

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Right Certificate 1629, Elk Creek, Staircase  
Docket 15, Olympic National Park

Mr. Sedergren is probably correct in stating in his memorandum of March 3 to you that the title to the subject water right passed to the United States by terms of the Business Concession Permit I-47np-137 which was signed by Mrs. Danford in 1947. However, I had been advised by a representative of the Chief Counsel's Office, sometime before that date, that agreement as to Federal title, or specific assignment of title, in a permit could be recorded as required unless a State such as Utah specifically required a more formal, specific instrument of conveyance. For some reason the permit was not recorded in the county or Office of the Supervisor of Hydraulics.

It is also true that a certified irrigation water right becomes appurtenant to the land under the water laws of Washington, but there is some question as to whether preferred rights for domestic use, or rights for power development become appurtenant to the land. The State agency will also need evidence of Federal title if the U.S. should file an application for amendment of the right, and the right was not appurtenant to the Federal land. It should also be noted that the only recorded suggestion that the land is federally owned is that the application of 1932 stated that the land was in the National Forest and was unsurveyed at that time. Survey would be required for patent, and Mr. Dickinson could have had a valid entry subject to survey and patent.

For these reasons I suggest that Regional Solicitor or State Supervisor should be consulted while the matter is under consideration. We have had two cases, in two other states, where belated proof of title was difficult, one being the title to rights at the Big Stump area, Docket 1, Kings Canyon.

*A. van V. Dunn*  
A. van V. Dunn  
Chief, Water Resources Section

Copy to: Superintendent, Olympic

March 29, 1961

L 54

Memorandum

To: Director

From: Assistant Regional Director, Region Four

Subject: Water Right Certificate 1629, Elk Creek, Staircase,  
Docket 15, Olympic National Park

Attached is a copy of Acting Superintendent Sedergren's reply of March 3 concerning Federal title in the subject water right.

It may be seen that Mr. Sedergren considers that the title of the United States in the former Dickinson water right is secure even though conveyance of the right to the United States may be undocumented.

ISSUED HEREBY MAIER

Assistant Regional Director

Attachment

Copy to: Supt., Olympic

LSSpaulding:lq

~~Spaulding~~ LSS

~~Manbey~~ AFM

~~Whitworth~~

~~Wosky~~

~~Maier~~

(quiet)

FILE COPY



IN REPLY REFER TO:

L54

March 3, 1961

Memorandum

To: Regional Director, Region Four

From: Acting Superintendent, Olympic

Subject: Water Right Certificate 1629, Elk Creek, Staircase,  
Docket 15, Olympic National Park

This is in reference to Mr. Wosky's memorandums of February 17 and 27 and Mr. Dunn's memorandum of January 31.

This subject has been given thorough study by our Management Assistant, Charles B. Browne, who has been handling Water Rights matters for this area for several years.

It is our opinion that since the name on a perfected Water Right Certificate has no bearing on the present ownership there is no point in having the United States appear as owner on Water Right Certificate 1629 in place of Lester L. Dickinson. For this reason we have not as yet taken the matter up with the Regional Solicitor in Portland.

It is also our opinion that where there is a change in ownership during the time a water right is in the Permit stage, then it should be assigned to the current owner of the land upon which it is appropriated for use, and it should be recorded in that name. Methods and means are provided to do this.

It is our understanding that, under provisions of Section 39 of the Water Code of the State of Washington (section 7391 Remington's Revised Statutes of Washington) after a water right has been perfected and certificate issued, which applies in this case, it then becomes appurtenant to the land, and no deed or other document is required as title to the water automatically goes with title to the land. We have several Water Right Certificates in this category. Some are in the name of the U. S. Forest Service and one is in the name of Rose E. Littleton.

If in the light of this review you still believe it advisable to take the action suggested in your February 17 and 27 memorandums we shall be glad to be advised.

*Oscar A. Sederberg*  
Oscar A. Sederberg  
Acting Superintendent

In duplicate

RECEIVED	
NPS REGION FOUR OFFICE	
MAR 3 '61	
SURNAME DATE	
REG. DIR.	
ASST. R.D.	
OPERATIONS	
ADMIN.	
RECREATION	
INTERP.	
RANGER ACT	

*Spaulding* LSS 3/28  
*Spaulding discussed this with Attorney SINGER*  
*BFM*

*See memo*  
*3/29/61*

February 17, 1961

L 54

Memorandum

To: Superintendent, Olympic  
From: Regional Chief of Operations, Region Four  
Subject: Water Right Certification 1629, Elk Creek,  
Staircase, Docket 15, Olympic National Park

We note that you have been sent a copy of Mr. Dunn's memorandum of January 31 concerning Federal title to the water right covering hydro-electric power and domestic use at the former Staircase concession.

The Certificate of Water Right (No. 1629) is in the name of Lester L. Dickinson. We suggest that you ask the Regional Solicitor in Portland what needs to be done to have the United States appear as owner of the right upon the records of the State of Washington.

(SGD) JOHN B. WOSKY

Regional Chief of Operations

Copy to: Director

LSSpaaldding:lq

~~Spaulding~~ LSS

~~Manbey~~ BFM

Wills 2/17

Whitworth

Wosky

(quiat)

FILE COPY



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
WASHINGTON 25, D.C.

IN REPLY REFER TO:

January 31, 1961

L54-OBL

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Right Certificate 1629, Elk Creek, Staircase,  
Docket 15, Olympic National Park

The memorandum of October 26, 1960, to you from Mr. Sedergren, of which Mr. Maier forwarded a copy on January 20, fully answers my questions concerning the disposition of the subject water right for the time being. I only wished to be sure that the right was lost in any obliteration of old developments.

There may be some question of the adequacy of Federal title to the water right, which might be referred to the Regional Solicitor. The only record, and basis of title, is in the Special Use Permit I-47np-137 of March 3, 1947, to Paul and Eleanor Danford. Irrigation rights are definitely appurtenant to the land under the State water laws. However, the State laws also provide for the severance and independent disposal of preferred rights for domestic and municipal, and possibly for power purposes, such as this. It is possible that the permit, or some other form of assignment should have been recorded with the Supervisor, State Division of Water Resources.

If the Regional Solicitor considered further purchase or assignment necessary, we should follow through while there are unobligated water right funds.

I also believe that you should also consider the fact that the 0.1 c.f.s. is not all needed for domestic purposes at just two or three cabins. The rights to the surplus water would be subject to lapse if not used, and might be transferred to the water system at the campground on the other side of the river.

*A. van V. Dunn*  
A. van V. Dunn  
Chief, Water Resources Section

Copy to: Superintendent, Olympic  
Chief, WODC (2)

*This matter was discussed briefly with Joe Taylor on 2-15-61. We entered the discussion with very little knowledge of the background (land ownership, chain of interest; conditions of water right) and consequently no decision was possible. Mr. Taylor thought it wise, however, to establish Federal title to the right in view of its early priority date.*

RECEIVED	
NPS REGION FOUR OFFICE	
FEB 1 1961	
SUBNAME	DATE
REG. DIR.	
ASST. R.D.	
OPERATIONS	
ADMIN.	
RECREATION	
INTERP.	
DANGER ACT	

*X Spaulding LSS*  
*✓ Whitworth 2/1*  
*✓ Manley*  
*Singer*

*In my opinion, the Park Service will have no trouble getting all the water it needs in the Staircase area. JSS*

January 20, 1961

L 54

Memorandum

To: Director  
From: Assistant Regional Director, Region Four  
Subject: Water Right Certificate 1629, Elk Creek, Staircase,  
Docket 15, Olympic National Park

Mr. Dunn wrote us January 4 discussing water rights and making the suggestion that if all use at the concessioner's site at Staircase were to be abandoned that the existing domestic water right be transferred to the Ranger Station-Campground water system.

As discussed in recent correspondence concerning the Leimback concession (File C 3823) it is proposed to retain three cabins and the water and hydro-electric systems at the Staircase concession site. Hence it appears that water right Certificate 1629 should be maintained for the existing place of use.

For Mr. Dunn's convenience we are attaching a copy of Acting Superintendent Sedergren's memorandum of October 26. Further comments on proposed disposition of the Leimback property is contained in Mr. Merriam's memorandum of November 2 and Mr. Scoyen's of November 18.

Assistant Regional Director

Attachment

Copy to: Chief, WODC (2)  
Supt., Olympic

LSSpaulding:lq

~~Spaulding~~

~~Menbey~~ BFM

~~W. H. As~~ 1/20

~~Whitworth~~

~~Wos~~

~~Maier~~

(quiat)

THE  
COPY



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
WASHINGTON 25, D.C.

IN REPLY REFER TO:

L54-OBL

January 4, 1961

RECEIVED  
NPS REGION FOUR OFFICE

JAN 5-'61

SURNAME DATE

REG. DIR.

ASST. R.D.

OPERATIONS

ADMIN.

RECREATION

INTERP.

RANGER ACT

## Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Rights, Olympic

The minutes of your staff meeting of December 15, 1960, refers to the closing of the concession operations at Ruby Beach and Staircase "as of the end of this year", and the apparent plan to restore both areas to their natural condition.

The Ruby Beach development is served with water under unlicensed permit 6011, Docket 18, which is a Federal right to water of springs tributary to Cedar Creek with priority of February 24, 1947. You should consider whether there is to be any further use of the springs, or Cedar Creek, to which they are tributary, before allowing the rights to lapse by abandonment of the water system. The right should be amended to cover a change in point of diversion and place of use if it is possible and desirable to salvage the right in that manner.

The Staircase Resort (concession) has been served with water of Elk Creek under Certificate 1629, with priority of February 16, 1931, in Docket 15. This right was perfected by the concessioner, but Federal title is supposed to have passed to the United States under SUP 1-47np-137 of March 3, 1947. Meantime, Federal rights for the Ranger Station and Campground, on the opposite side of the North Fork Skokomish River, have not been established, but Drawing 6980 was prepared in 1946, on the basis of Drawing 2158 and other data in the correspondence files. This seems to be the proper time to transfer the domestic right to 0.1 c.f.s. under Certificate 1629 to the Ranger Station-Campground Water System, if the use at the concession development is to be abandoned, thus preserving the 1931 priority. The disposition of the right to 3.9 c.f.s. for power, under Certificate 1629, depends on whether the power plant is to be maintained for the Ranger Station, or abandoned. It is not clear, from the records, whether the power plant uses 3.9 c.f.s. or 4.0 c.f.s., but the license-certificate only authorizes the use of 3.9 c.f.s.

Use at the site of the  
concession development is  
not to be abandoned  
DN 1/5

*A. van V. Dunn*

A. van V. Dunn  
Chief, Water Resources Section

Copy to: Superintendent, Olympic  
Chief, WODC (2)

file OLY Docket 15

copy - items made for Docket 18

115  
Dillon  
condition  
Spencer  
1/5/61

see memo 1/20/61



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

Olympic National Park  
Port Angeles, Washington

October 26, 1960

IN REPLY REFER TO:

C3823

3 X

2

Memorandum

To: Regional Director, Region Four  
From: Acting Superintendent, Olympic  
Subject: Purchase of Cabins and Utility Systems, Leimback  
Concession

*Return to Leimback*

*memo to*

*WASO*

*11/2/60*

Our memorandum of October 17 recommended consideration of the purchase of the hydro-electric plant and a simple water system from Mr. and Mrs. W. A. Leimback whose concession contract at Staircase is being terminated. The matter was also discussed by you and Superintendent Doerr by telephone on October 21. Your telegram of October 24 requests confirmation of the need for the utility systems and further justification for the purchase of two cabins.

The purchase of these two utility systems is strongly urged. The Ranger station-residence and other government facilities are located across the river from the buildings we propose to acquire from the Leimback's. At present, a gasoline generator serves government buildings. If the hydro-electric plant is purchased from the concessioner, we plan to use it to provide power to the present Ranger station, utility buildings and the cabin units acquired from the concessioner. The present gasoline-operated plant will not be needed. Our Electronics Technician advises this will be a far more efficient and economical system to operate. He considers the plant to be well worth the amount the concessioner asks for it although it will be necessary to repair the waterline intake. Using the present power plant would necessitate running a special cable across the bridge to Cabins 7 and 9 if acquired and Cabin 154. The hydro plant will be far more dependable and should serve our power needs until such time as additional facilities are constructed in the Staircase area.

The water line we propose to buy from the concessioner serves the three cabins that may be purchased in closing out the contract. To serve these units from our present system would require running a pipeline across the bridge. This would not be too satisfactory as



*including  
future  
in file  
4  
5*

? \$950.00 to compensate him for this work, the lower figure if we decide to retain and purchase cabins Nos. 7 and 9. We made a particular effort to convince Mr. Leimback that he is not entitled to compensation for removal of buildings and restoration of the sites. We called attention to the last sentence of the third paragraph of our letter of October 7 and showed him your memorandum of September 28 which was the basis of our letter. We told Mr. Leimback we would ask for another statement from you in order to be doubly sure on this point. Please advise.

In view of the good condition of cabins Nos. 7 and 9, and the fact that it would be economical and efficient for us to use them as quarters for seasonal employees until buildings of higher standard can be provided, we desire to purchase them from the Leimbacks. He is willing to sell them for a total of \$350 (\$200 for No. 9 and \$150 for No. 7). We believe this is a fair price and that we should purchase the two cabins.

Mr. Leimback has offered to sell us his hydroelectric system and his water system including 400 feet of 1 1/2 inch waterline with valves and hydrants for a total of \$550.00. We believe this is a reasonable price to pay for these facilities. We recommend purchasing them.

Following is a recap of compensation we believe should be made to Mr. and Mrs. Leimback in terminating their concession.

For possessory interest

Cabin No. 154	\$6,549.34	
Repairs to cabins Nos. 5, 6, 9 & 12	599.84	
Linoleum installed in cabin No. 154		
in 1960 after audit report	50.00	
Subtotal		\$7,199.18

For other than possessory interest

Transportation of movable property		
to reasonable market	\$320.00	
Purchase of cabins Nos. 7 and 9	350.00	
Purchase of hydroelectric system and		
water system	550.00	
Subtotal		1,220.00
Grand total		\$8,419.18

*Could be  
insulated*

the line would be uncovered for at least the span of the bridge and would be subjected to freezing during fall and spring months when water will be needed. The water would be too warm for use during the summer. Both the electric system and water system can be purchased for a relatively small amount and they will adequately meet our needs until the area is further developed.

At the present time, there is one government-owned building in the area that can be used for employees quarters. This building also serves as the Ranger station and office. During the summer season, two fire control aids, a seasonal Ranger and a campground maintenance man are assigned to the area. Trail crews must also be quartered in the area in the spring and on many occasions during the summer months. They are now quartered in tents. Tenthouse quarters are not satisfactory due to the wet climate.

I am advised by the District Ranger that it has been next to impossible to keep mice out of food supplies, bedding, and clothing in these tenthouses. It is also necessary to replace tents annually. Repairs to platforms and tentframes must be made regularly.

The two cabins we propose to retain are in fairly good condition. They have been lined on the inside recently and except for the new cabin, are the best units in the area. They should not require more than routine maintenance that can be financed from quarters rentals. We do not propose to retain these cabins indefinitely, but until additional quarters can be built in the area, it would be well to have these units.

Under the present housing conditions in the Staircase area, it is necessary to recruit seasonal personnel who do not have families.

We sincerely believe the cabins, utility systems, etc., should be acquired. It will certainly facilitate our operations in the area.

  
Oscar A. Sedergren  
Acting Superintendent



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
Olympic National Park  
Port Angeles, Washington

IN REPLY REFER TO:

RECEIVED	
NPS REGION FOUR OFFICE	
OCT 20 1960	
REG. DIR.	SUR-4047
ASST. R.D.	
OPERATIONS	
ADMIN.	
RECREATION	
INTERP.	
REC. & ACT.	

C2523

October 17, 1960

Memorandum

To: Regional Director, Region Four

From: Superintendent, Olympic

Subject: William A. and Berniece M. Leimback Concession, Staircase,  
Contract 14-10-147-473

We sent you a copy of our letter of October 7 to Mr. and Mrs. Leimback in which we formally advised them of our decision to discontinue the concession at Staircase. Our letter indicated the amount of compensation they may expect to receive for their possessory interest, and advised them of other matters in relation to the contract under which they have operated.

Mr. Leimback called at this office on October 11 to discuss matters pertinent to closing his Staircase operation and moving out. He is deeply concerned about Mrs. Leimback's health and is eager to get out. In signing and returning to us the original of my letter of October 7, Mr. and Mrs. Leimback have indicated their willingness to accept \$7,149.18 as compensation for their possessory interest as previously indicated by the audit of their accounts. Mr. Leimback asked for an additional \$50.00 to cover the cost of linoleum which he put in the new building, No. 154, this summer after the audit was made. I recommend that he be compensated in the amount of \$50.00 for the linoleum.

Mr. Leimback also quoted us a lump sum figure of \$320.00 to compensate him for transporting to a reasonable market the movable property used in the operation. We agreed on Tacoma, less than 90 miles, as a reasonable market. Considering an estimated weight of machinery, fixtures, appliances, and household furnishings used in the operation totalling approximately 36,000 pounds, and after checking rates with the Port Angeles-Tacoma Freight Company, we believe Mr. Leimback's \$320.00 lump sum figure is reasonable and should be accepted.

Mr. Leimback believes he is entitled to compensation for removing buildings and restoring sites. He quoted us a figure of \$800.00 or

(2)  
Actual  
cost  
incurred.  
(3)

Memo to  
WASO  
11/2/60

No.

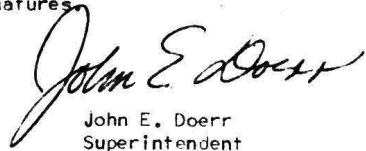
The above recap of compensation does not include Mr. Leimback's quotation of \$800.00 or \$950.00 compensation he believes he should have for building removal and site restoration described above. Were he entitled to compensation for this work his price seems reasonable. The above recap of costs does not include an estimate of the cost of removing or razing old buildings and restoring sites in the event Mr. Leimback fails to do so. We shall supply that estimate if necessary.

We assured Mr. Leimback we would get compensation due him as rapidly as possible. He would like to move out as much of his property as he can before snow gets too heavy at Staircase. We have indicated that in any event he must be out before June 1, 1961 having met all his obligations.

We shall proceed, with the assistance of the Regional Solicitor in Portland, to prepare a deed of release or bill of sale.

We are sending Mr. and Mrs. Leimback a copy of this memorandum to serve them as a record of discussion in this office October 11.

Attached for your files is a copy of my letter of October 7 with Mr. and Mrs. Leimback's signatures.

  
John E. Doerr  
Superintendent

Attachment

Copy to: Mr. and Mrs. William A. Leimback



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
WASHINGTON 25, D. C.

OCT 27 1959

IN REPLY REFER TO:

C3823-00M

RECEIVED	
NPS REGION FOUR OFFICE	
NOV-259	
SUBMITTER	DATE
ASST. DIR.	7/24/59
ASST. S.D.	11/3/59
OPERATIONS	11/3/59
ADMIN.	
RECREATION	
INTERP.	
RANGER ACT	

## Memorandum

To: Regional Director, Region Four

From: Assistant Director

Subject: W. A. Leimback Concession, Staircase, Olympic National Park

We have the Washington Office copy of your memorandum of September 11 to the Superintendent of Olympic listing the considerations involved in the event of decision to discontinue the Staircase concession being operated by the Leimbacks under Concession Contract No. 14-10-447-181.

The considerations you listed are well thought out and appear to follow in logical sequence. While you did not mention a revision of the MISSION 66 Prospectus in the event it is decided to discontinue this concession, as mentioned in our June 24 memorandum and as discussed with Superintendent Beard during his June visit to this Office, we are presuming that such a revision will be the first step in the event it is decided to eliminate the concession.

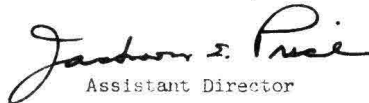
In connection with your step No. 2 concerning a determination of the extent of the possessory interest acquired by the Leimbacks from Danford, you state that, "There appears to be no question that Danford had a possessory interest which had been recognized in previous permits," and that you had assumed that this interest passed on to Leimbacks. A careful review of the records of this Office fail to substantiate this. Prior to 1955 this operation was covered by concession permits in which it was recognized that the concessioner had a right of sale to a successor but in each instance the permit provided that in the event of termination or failure to sell to a successor the buildings, structures, etc., shall be removed by the permittee and that if they were not removed within a stipulated period of time, they became the property of the United States. In line with this, by letter of September 26, 1951, to Mrs. Danford, you notified her that it was not our intent to grant her operating rights beyond 1952, and advised her that if no successor was found by September 30, 1952, she would be allowed until June 30, 1953, to remove her facilities, and if they were not removed by that date they would become the property of the United States. We believe the record

X *Wells DM*  
memo  
to Asst  
11/3/59

is clear that Danford had no possessory interest in the existing facilities--only the right of sale to a successor, or removal. A possessory interest carries with it the obligation for the Government to reimburse a concessioner for his interest in the event the operation is discontinued. The Danfords had no such interest under any of their concession permits and therefore could not pass it to a successor.

While it is true that in our memorandum of February 26, 1953, concerning the Ryan interest at LaPush, to which you refer, we did parenthetically refer to the interest that Mr. Ryan sold to Mr. Jackson being defined in our Standard Language as possessory interest, the point under discussion was the right of resale to a successor which is the right Mr. Jackson had acquired with the purchase of Mr. Ryan's interest. For general practical purposes, so far as the concessioner is concerned, this is tantamount to a possessory interest, so long as the operation is continued. However, as stated above, a possessory interest includes the obligation of the Government to reimburse the concessioner for its interest in the event the operation is discontinued, while the interest acquired by the Jacksons was limited to the right of sale to a successor or removal, and any such property as had not been removed was to become the property of the United States without compensation. The rights which the Leimbacks acquired from Danford were the same.

We recognize that the contract No. 14-10-447-181 under which the Leimbacks have been operating did not specifically state that the possessory interest as defined therein would apply only to the improvements constructed by them. It did, however, limit "concessioner improvements" to those provided by the concessioner for the purpose of the contract. Since the Leimbacks acquired from Danford only the right of resale or removal of the then existing facilities, we could not under the contract grant them a greater interest in those facilities.

  
Assistant Director

In duplicate

FILE

03823

September 11, 1959

9/11  
M. J. (J. W.)  
H. J. (J. W.)  
H. J. (J. W.)

Memorandum (AIR MAIL)

To: Superintendent, Olympic  
From: Regional Director, Region Four  
Subject: W. A. Leinback Concession, Staircase

Since the Leinback contract for Staircase will expire December 31, we have reviewed our files to ascertain what may be involved in the event of a decision to discontinue the operation. Some of the considerations listed below were touched upon in my August 3 memorandum reporting on my recent trip to Olympic, and all of them may already have occurred to you, but it may be useful to set them down here.

1. A determination as to the extension or renewal of the present contract.
  - a. Term - possibly two years, with proviso for earlier termination if funds become available sooner.
  - b. Notification to concessioner of intent to discontinue operation as provided in Section 12 (b) of his contract, when funds are available.
  - c. Cut-off on construction or other capital outlay which would increase value of possessory interest.
2. A determination as to the extent of possessory interest, if any, acquired by Leinback from Danford. Mr. Price's June 24 memorandum stated that Leinback acquired no such interest from Danford. There appears to be no question that Danford had a possessory interest which had been recognized in previous permits, and we had assumed that this interest passed to Leinback. Our basis for so assuming was the Director's memorandum of February 26, 1953, regarding the LaPush concession, copy of which is attached for your ready reference.
3. Audit verification of book value of possessory interest. Section 12 (b) provides that the concessioner will be compensated for his possessory interest in improvements "in an amount not less than their book value." In a similar situation the Washington Office has recently advised us that except in unusual circumstances no more

then book value will be paid. The present book value can be determined by auditors now assigned to your park, though some adjustment may be required at the time of settlement. If it is finally determined that Leimback acquired a possessory interest from Danford, it appears that these steps are indicated in order to ascertain book value of the old improvements:

- a. Verify the total consideration for the transfer from Danford. The sale agreement included an exchange of real estate whose value was to be established by appraisal.
- b. Determine what part of the total consideration should be assigned to buildings and utilities on the one hand and to movable property (equipment, inventories, etc.) on the other.
- c. Adjust the value assigned to buildings and utilities for depreciation and for destruction of a cabin or cabins by winter storms.

Possibly some work on this question has already been done in previous audits, but we do not seem to have an audit report on it.

New construction will be valued on the basis of materials and labor furnished by the concessioner, as verified by audit.

4. An estimate of other costs provided for by Section 12 (b). Among other things, this section provides for compensating the concessioner for the cost of demolition and site restoration. We understand, however, that this work can be done by the Service itself, at its option.

5. A determination (by the Washington Office) of the method of financing. Relatively small amounts can occasionally be provided from the Management and Protection contingency reserves, but that is not a likely source this year because of the many pending transfers.

We are sending a copy of this memorandum to the Washington Office for any comments or suggestions they may have.

DMills:sh

Lawrence C. Merriam  
Regional Director

Attachment

Copy to: Director

Mr. Maier

Manbey  
Hay  
Hont  
McClallan  
4/6

180 New Montgomery St.

March 29, 1948.

MEMORANDUM for the Superintendent, Olympic.

Attached is copy of Land Form NPS-L-1 covering the former Lester L. Dickinson - Alien WR No. 3, which has now been acquired by the United States. The present concessioners, Mr. and Mrs. Danford, are using this water under terms of their Business Concession Permit No. L-47np-157, clauses 16 and 17.

By reason of this acquisition this is no longer an Alien Water Right and now becomes "Deed No. 39." Your Water Right Assembly file accordingly should be changed to read "Deed 39," and the Land Form NPS-L-1 should be changed in your land records for the former NPS-L-3 form. There is also attached an additional copy of the 1947 Business Concession Permit which should be filed with the Water Right Assembly.

FILE COPY

Raymond E. Hoyt,  
Regional Chief of Lands.

Enclosure 982

cc: The Director.

BFM/ew

C O P Y

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
OLYMPIC NATIONAL PARK  
PORT ANGELES, WASHINGTON

January 16, 1946

MEMORANDUM for the Regional Director, Region Four.

Reference is made to Mr. Dunn's memorandum of November 16, 1945 asking that certain information regarding water rights be obtained for Staircase, Ruby Beach, Kalalech and Kelly's Ranch areas in Olympic National Park and the Coastal Strip.

An examination of the records in the Department of Conservation and Development of the State of Washington, Olympia, assisted by Assistant Supervisor A.F.R. Appleby, revealed the following information.

Staircase Resort:

Vol. 4, Certificate 1629, Permit No. 2574 shows a perfected water right to 3.9 cfs for power and 0.1 cfs for domestic use. Installed February 16, 1931, perfected June 28, 1941. Headworks on Elk Creek, a tributary of the North Fork of the Skokomish River, located in the SE $\frac{1}{4}$  Section 4, T25N, R5W unsurveyed. Theoretical horsepower 15, actual 2. Name of permittee Lester L. Dickinson. A measurement of the stream in July 1938 showed 10 cfs flowing. All of the above is from the record at Olympia.

There is no record of any Federal Power Commission permit for this installation and Mr. Appleby after searching all correspondence etc. thinks no application was made.

In addition to the above there is being forwarded under separate cover the tracing of our map No. NP-OLY-2158 of the area showing points of diversion for both the Dickinson and Lincoln Guard station supplies.

This territory is unsurveyed and the only tie to any point is one to a USGS B.M. or section corner about a mile down the road east of the resort. The notes on this tie are said to be in field book #1-1942 Olympic National Park which was taken to San Francisco to complete the platting of the Staircase Resort topog map. It may be that the location as shown in the USGS notes on this Bench Mark may give us a tie to the General Land office survey, if the tie is not to a section corner.

Size of pipe, location of same, and the location of the hydro plant are shown on the plat enclosed, for both systems.

The water right should be conveyed or obtained by the Service and this will be the subject of a future memorandum.

It is noted that the records of the Department of Conservation and Development regarding the Dickinson water right show no tie to any land office survey

and none may be necessary for the Lincoln Ranger Station application.

There is enclosed application forms for the State of Washington for use of the Water Rights Division in making the several applications listed in Mr. Dunn's memorandum.

The headworks of the Lincoln Ranger Station water supply consists of a plank dam 8 feet long on the top and two to three feet high constructed with vertical 3 inch plank. A 6 inch weir notch two feet long is in the center. Two inch pipe with screen in bottom of dam. Valve just below dam.

The stream has no name, rises in a spring a short distance above the intake and flows into the Skokomish a short distance above the log bridge at Staircase resort. It is not Slate Creek or Lincoln Creek (as shown on drawing No. OLY 2101A, which should be changed).

The amount of water necessary for the development on the east side of the river is small, consisting of domestic supply for the ranger station, 500 gallons per day maximum, a little irrigation during the three summer months and a supply for the camp ground, maximum of 25 campers with one flush toilet comfort station.

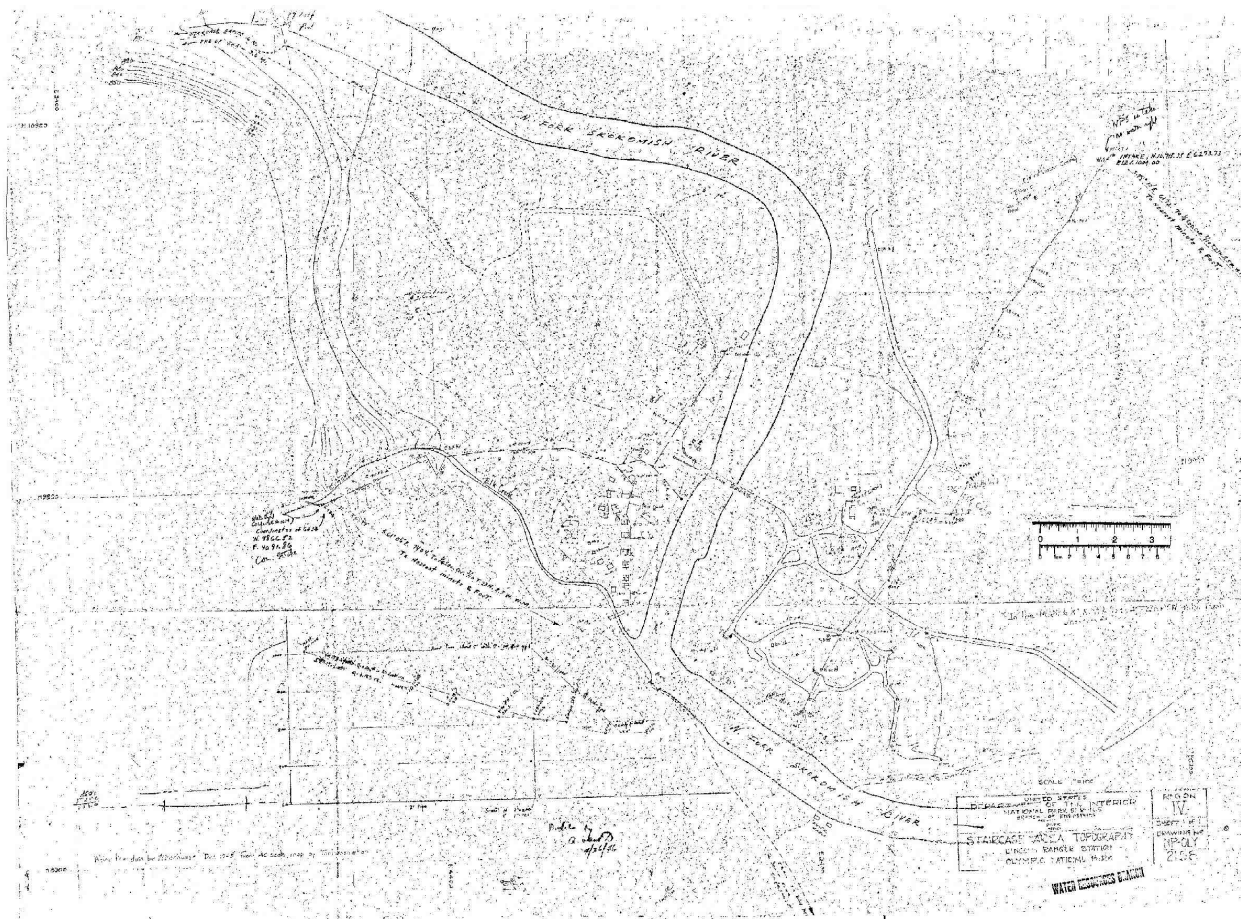
All waste water will be returned to the Skokomish River, the same stream into which the supply would have naturally flowed.

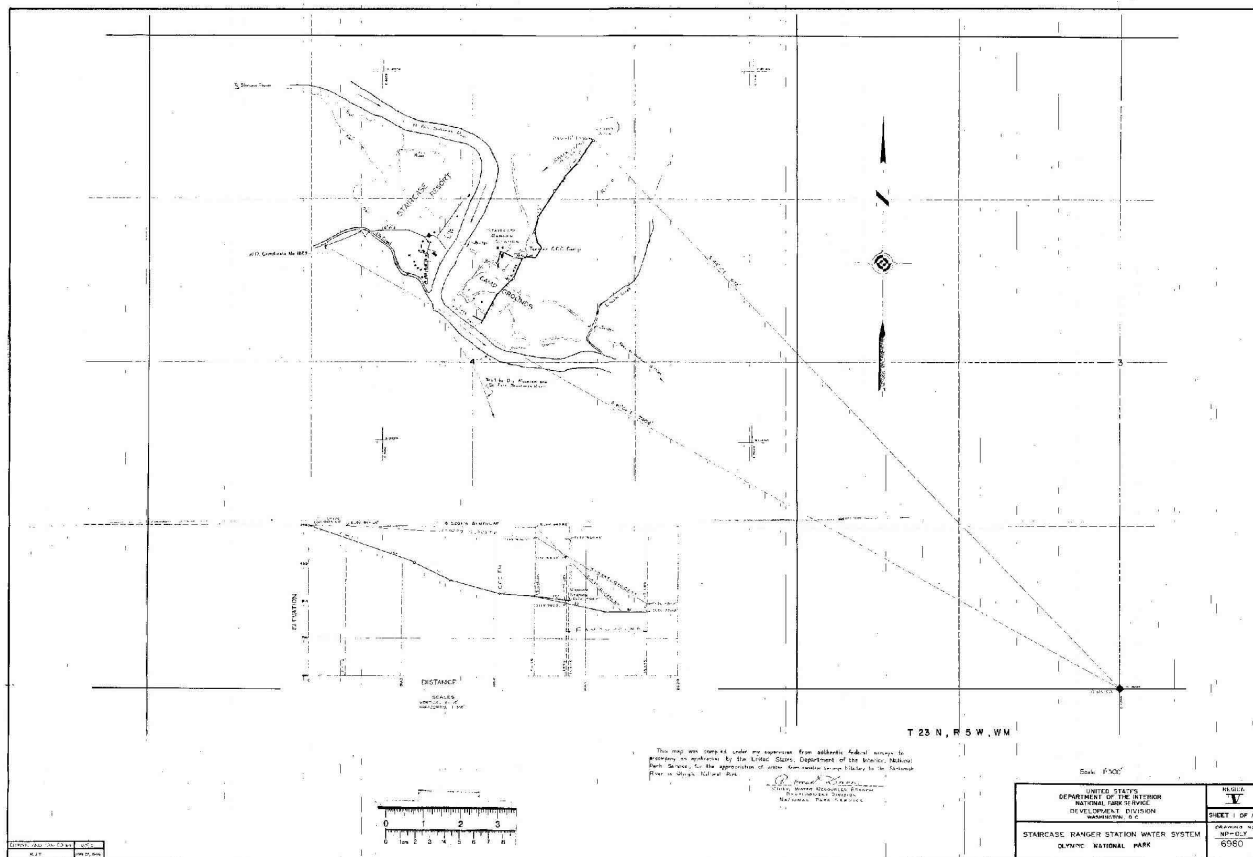
The ranger station is occupied all year, but the use of the camp ground is restricted to about 3 or 4 months per year.

Please return the tracing when it has served its purpose. Information on other areas will follow.

Fred J. Overly  
Acting Superintendent

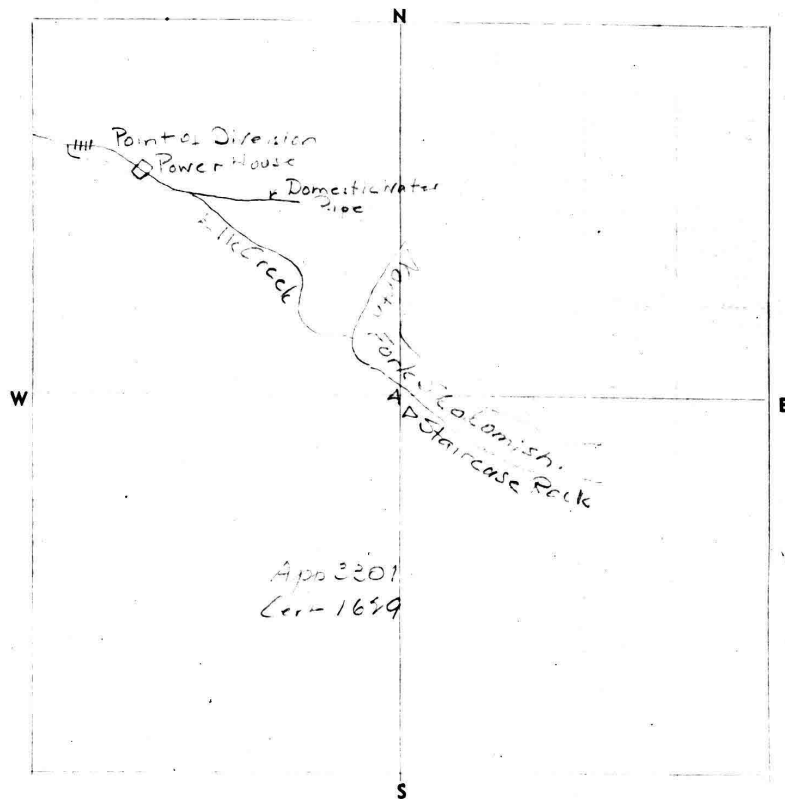
Enclosure 1652647





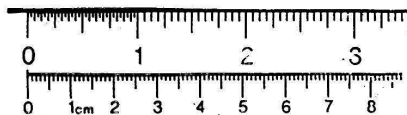
S. F. No. 1854-A-7-45-67M. 8052.

## SECTION PLAT

Sec. 4 Twp. 23 N. R. 514

Be sure to show distance and bearing of point of diversion from nearest 40-acre corner. Also traveling directions from nearest town on main highway.

Scale: 1 inch = 800 feet.



7

Docket Information

Number of Documents in Docket 32

Documents Dated from 8/31/1938 to 4/5/1961

Docket Compiled: 6/2/2011